

ESTTA Tracking number: **ESTTA440788**Filing date: **11/14/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	COMMFONT		
Entity	company	Citizenship	Singapore
Address	50 Tagore Lane #5-05K Entrepreneur Center SG, SINGAPORE		

Attorney information	Mark J. Ingber 181 Millburn Avenue Millburn, NJ 07041 UNITED STATES ingber.law@verizon.net Phone:973-921-0080
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Registration Subject to Cancellation

Registration No	3924759	Registration date	03/01/2011
Registrant	Jeddy Ventures LLC 1298 Evans Road Wall Township, NJ 07719 UNITED STATES		

Goods/Services Subject to Cancellation


Class 009. First Use: 2009/05/15 First Use In Commerce: 2009/05/15 All goods and services in the class are cancelled, namely: Electronic and optical communications instruments and components, namely serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber-optic conversion version products, namely, Serial Data Converters, Serial Data Repeaters, Ethernet Switches, Ethernet Data Converters, Fiber Optic Media Converters

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3416200	Application Date	08/01/2006
Registration Date	04/22/2008	Foreign Priority Date	NONE
Word Mark	COMMFONT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 Computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and trouble shooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications

Attachments	78942683#TMSN.jpeg (1 page)(bytes) COMMFRONT PETITION TO CANCEL.pdf (11 pages)(2404105 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark J. Ingber/
Name	Mark J. Ingber
Date	11/14/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,924,759
Issued on March 1, 2011

COMMFONT COMMUNICATIONS
PTE. LTD.

Petitioner,

V.

Cancellation No.:

JEDDY VENTURES LLC

Respondent.

PETITION TO CANCEL

Petitioner CommFront Communications Pte. Ltd. a/k/a CommFront ("Petitioner"), is a company organized and existing under the laws of Singapore, located and doing business at 50 Tagore Lane #5-05K, Entrepreneur Centre, SG, Singapore, believes that it will be damaged by the continued registration by Jeddy Ventures LLC ("Respondent") of the mark shown in Registration No. 3,924,759.

Petitioner hereby petitions to cancel Respondent's Registration.

As grounds for its petition, Petitioner alleges as follows:

1. Since 2006, Petitioner has been a leading manufacturer of the quality data communication and conversion serial converter and software products. It has a presence in both the United States and Singapore.
2. Petitioner has adopted and continuously used the trademark CommFront, Registration No. 3,416,200 (registration date of April 22, 2008) since at least as

early as October 1, 2006 to the present, in connection with computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and troubleshooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications in Class 9 (the “CommFront Mark”). A copy of the records of the registration taken from the TARR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as Exhibit A and is incorporated by reference herein as if set forth in full.

3. Petitioner has adopted and continuously used the mark “CommFront” in blue and currently green/blue background bordered below by horizontal red lines with the words “Communications made easy” underneath in blue as it relates to goods in Class 9, name computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and troubleshooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications in Class 9 (the “CommFront Mark”), and in related services, since at least as early as October 1, 2006 to the present (“CommFront and Design Mark”). A true and accurate depiction of the copy of the CommFront and Design Mark is attached hereto as Exhibit B.

Background of Dispute with Registrant

4. In July, 2006. Mordy Naftaly, President of Sima S. Enterprises LLC (“Sima S. Enterprises”) approached Petitioner in an effort to become the United States reseller

of Petitioner's CommFront products. The parties soon reached an informal agreement, whereby Sima S. Enterprises distributed Petitioner's products in the United States, as well as overseas, mainly through its website: www.rs232-converters.com.

5. In or around January, 2009, during the course of Petitioner's distributorship agreement with Sima S. Enterprises, Sima S. Enterprises and its principal Mordy Naftaly surreptitiously formed Respondent Jeddy Ventures LLC (with Mordy Naftaly as President), a competing data communications manufacturing company, and began doing business with a strikingly similar name as the Petitioner, called SerialComm.
6. In or around May 15, 2009, during the course of Petitioner's distributorship agreement with Sima S. Enterprises, Sima S. Enterprises and its newly formed company, Respondent Jeddy Ventures LLC ("Jeddy Ventures") adopted the SerialComm and Design Mark as shown in the '759 Registration and the www.serialcomm.com domain name with the intent to trade on the goodwill in Petitioner's Marks and to pass off its goods and services as originating with, as being sponsored, licensed, or authorized by, or as otherwise affiliated with Petitioner.
7. In or around May, 2009, an authorized factory of Petitioner's products informed Petitioner that Sima S. Enterprises and Respondent Jeddy Ventures through their principal Mordy Naftaly, approached it in an effort to sell competing SerialComm products, and

that such products were produced by a related company, namely Respondent Jeddy Ventures through a distributorship/manufacturer relationship.

8. In June 2009, Petitioner terminated the distributor relationship with Sima S. Enterprises due to the foregoing malfeasance and ongoing deceptions by Sima S. Enterprises and Respondent with Petitioner's customers and authorized factories.

Likelihood of Confusion

9. Registration No. 3,924,759 issued on March 1, 2011, sought to be cancelled, and owned by Respondent Jeddy Ventures, is for the word mark "SerialComm" in blue bordered above and below by horizontal green lines with the words "Data Conversion Experts" underneath in black as it relates to goods in Class 9, namely, Electronic and optical communications instruments and components, namely serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber-optic conversion version products, namely, Serial Data Converters, Serial Data Repeater, Ethernet Switches, Ethernet Data Converters, Fiber Optic Media Converters, with a claimed date of first use of May 15, 2009 (the " '759 Registration" or the "SerialComm and Design Mark"). A copy of the records of the registration taken from the TARR electronic database of the Patent and Trademark Office and showing the current status and title of the registration is attached hereto as Exhibit C and is incorporated by reference herein as if set forth in full.

10. There is no issue as to priority of use; Petitioner's registration for its

CommFront Mark issued on April 22, 2008, prior to the first date of use of the ‘759 Registration Mark of May 15, 2009.

11. Petitioner has expended considerable effort and expense in promoting its CommFront Mark and its CommFront and Design Mark (collectively “Petitioner’s Marks”) and the quality data communication and conversion serial converter and software products sold under each such mark, with the result that the purchasing public has come to know, rely upon, and recognize Petitioner’s products and services by such mark. Petitioner has an exceedingly valuable goodwill established in each of its Marks.

12. As the former distributor of Petitioner, Sima Enterprises and therefore Respondent Jeddy Ventures was aware of Petitioner’s Marks and adopted the SerialComm and Design Mark as shown in the ‘759 Registration with the intent to trade on the goodwill in Petitioner’s Marks and to pass off its goods and services as originating with, as being sponsored, licensed, or authorized by, or as otherwise affiliated with Petitioner.

13. Respondent’s use of the SerialComm and Design Mark in connection with the goods and services identified therein, is likely to cause consumers of those services to believe mistakenly that they originate with, or are sponsored, licensed, or authorized by, Petitioner, or are otherwise affiliated with Petitioner.

14. If the Respondent is permitted to retain the ‘759 Registration sought to be

cancelled, and thereby, the prima facie exclusive right to use in commerce the SerialComm and Design Mark on strikingly similar goods and services provided by Petitioner, confusion in the trade is likely to result from concurrent use of Petitioner's Marks and the Respondent's Mark, all to the great detriment of Petitioner, which has expended considerable sums and effort in promoting its Marks.

15. Purchasers are likely to consider the goods and services of the Respondent sold under the SerialComm and Design Mark shown in the '759 Registration as emanating from Petitioner, and will create confusion amongst consumers.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Mark)

16. Petitioner repeats and realleges the allegations in preceding paragraphs 1-15 as if fully set forth herein.

17. The SerialComm and Design Mark shown in the '759 Registration so resembles Petitioner's CommFront Registration as to be likely, when used on or in connection with goods and services strikingly similar to Petitioner's, to cause confusion, to cause mistake, or to deceive, and Respondent is thus not entitled to maintain the Registration under §2(d) and 14 of the United States Trademark Act, 15 U.S.C. §1052(d) and 1064.

18. The SerialComm and Design Mark shown in the '759 Registration so resembles Petitioner's CommFront Registration as to be likely when used on or in connection with goods and services strikingly similar to Petitioner's, to cause confusion, or to cause mistake, or to deceive, and Respondent is thus not entitled to maintain the Registration under §2(d) and 14 of the United States Trademark Act, 15 U.S.C. §1052(d) and 1064.

19. Petitioner will be damaged by continued registration of the '759 Registration, because such registration gives Respondent prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Petitioner's registered, previously-used and not-abandoned CommFront Registration, in derogation of Petitioner's rights in its registered Mark.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Previously Used Mark)

20. Petitioner repeats and realleges the allegations in preceding paragraphs 1-19 as if fully set forth herein.

21. The SerialComm and Design Mark shown in the '759 Registration so resembles Petitioner's CommFront and Design Mark previously used in the United States in connection with the Petitioner's goods and services, and not abandoned, as to be likely, when used on or in connection with the services identified in the

Respondent's Registration, to cause confusion, or to cause mistake, or to deceive, and Respondent is thus not entitled to maintain the Registration under §§ 2(d) and 14 of the United States Trademark Act, 15 U.S.C. §§ 1052(d) and 1064.

22. Petitioner will be damaged by continued registration of the SerialComm and Design Mark shown in the '759 Registration because such registration gives Respondent prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Petitioner's previously-used and not-abandoned marks, in derogation of Petitioner's rights in his marks.

WHEREFORE, Petitioner CommFront Communications Pte. Ltd. a/k/a CommFront deems that it is or will be damaged by Registration No. 3,924,759, and petitions for cancellation thereof as it relates to goods in Class 9.

A duplicate Petition for Cancellation is being filed herewith, along with the filing fee required in §2.6(a)(16).

Respectfully submitted,

Dated: November 14, 2011

By: 

Mark J. Ingber
Attorney for Applicant
The Ingber Law Firm
181 Millburn Avenue, Suite 202
Millburn, NJ 07041
Attorneys for Petitioner
CommFront Communications Pte.
Ltd. a/k/a CommFront

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IC 009. US 021 023 026 036 038. G & S: Computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and trouble shooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications. FIRST USE: 20061001. FIRST USE IN COMMERCE: 20061001

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

78942683

Filing Date

August 1, 2006

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

July 10, 2007

Registration Number

3416200

Registration Date

April 22, 2008

Owner

(REGISTRANT) Zhuang Luxu INDIVIDUAL CHINA BLK 279, #04-326 YISHUN STREET 22 SINGAPORE SINGAPORE 760279




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Serial Comm

Data Conversion Experts

Word Mark	SERIALCOMM DATA CONVERSION EXPERTS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Electronic and optical communications instruments and components, namely serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber-optic conversion version products, namely, Serial Data Converters, Serial Data Repeater, Ethernet Switches, Ethernet Data Converters, Fiber Optic Media Converters. FIRST USE: 20090515. FIRST USE IN COMMERCE: 20090515
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design	26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines;
Search Code	Overlined words or letters; Underlined words or letters
Serial Number	77947937
Filing Date	March 2, 2010
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 14, 2010
Registration Number	3924759